

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to specify that the claimed descriptions/descriptive data describe concepts depicted in audiovisual content. No new matter has been added as a result of these amendments because Applicant has described the descriptions/descriptive data as describing content concepts in paragraph 50, page 20, *et seq.*, of the specification.

Rejections

Rejections under 35 U.S.C. § 112, second paragraph

Claims 39-41

Claims 39-41 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the claims to specify that the computer readable medium is encoded with computer program instructions as suggested by the Examiner. Applicant has not, however, included the phrase “the steps of” because Applicant does not intend for claims 39-41 to be interpreted under 35 U.S.C. §112, sixth paragraph.

Applicant respectfully submits that claims 39-41, as amended, satisfy the requirements of 35 U.S.C § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112, second paragraph.

Rejections under 35 U.S.C. § 102(e)

Claims 1-15, 17, 20-34 and 37-41

Claims 1-15, 17, 20-34 and 37-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sekiguchi, et al., U.S. Patent 6,665,442. Applicant does not admit that Sekiguchi is prior art and reserves the right to challenge the reference at a later date. Applicant notes that the Examiner stated that independent claim 21 was rejected under § 102 [Office Action: paragraph 2] but did not specifically reject claim 21 in his arguments.

Sekiguchi discloses an image retrieval system that can store and reuse search parameters previously specified by a user. The search parameters are values for characteristic descriptors that describe the motion vectors and the signal components (luminance/brightness and color) of a block of pixels [Sekiguchi: col. 11, lines 40-44; col. 28, lines 21-42; Figure 18].

With regard to claims 1-15, 17, 20-34 and 37-41, Applicant claims descriptions/descriptive data that describe concepts depicted in audiovisual content, and reusing the descriptions to create descriptions for similar concepts in other audiovisual content. Sekiguchi's characteristic descriptors cannot be properly interpreted as Applicant's claimed descriptions because Sekiguchi does not even suggest that the characteristic descriptors can describe concepts depicted in content, much less that the characteristic descriptions can be used to create descriptions that describe concepts. Moreover, one of skill would not consider motion vectors or signal components as known art equivalences to concepts depicted in images.

In addition, the Examiner references all of column 44 of Sekiguchi in rejecting certain claim elements but column 44 only contains claims. Applicant respectfully reminds the Examiner that claims in the prior art cannot be the basis of a rejection. If the Examiner continues to rely on Sekiguchi in rejecting the claims, Applicant respectfully requests the Examiner cite a different section instead of column 44.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1-15, 17, 20-34 and 37-41 is not anticipated by Sekiguchi under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 16, 18-19 and 35-36

Claims 16, 18-19 and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sekiguchi in view of Official Notice that dictionary mapping, graph operations and object-oriented inheritance graphs are well known. However, claims 16, 18-19 and 35-36 depend from independent claims 1 and 31. Because Sekiguchi does not teach or suggest Applicant's claimed descriptions that describe concepts depicted in audiovisual content, the combination of Sekiguchi and the Official Notice asserted by the

Examiner does not disclose each and every limitation of the invention claimed in claims 16, 18-19 and 35-36

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 16, 18-19 and 35-36 is not rendered obvious by Sekiguchi, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

SUMMARY

Claims 1-41 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

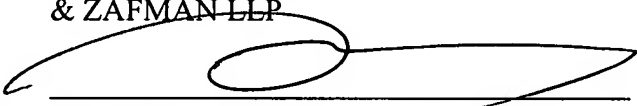
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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